

REMARKS

Applicant respectfully requests entry of the herein contained amendment under the provisions of 37 C.F.R. § 1.312.

By this amendment, claim 1 has been amended for clarification and consistency with the specification and other claims. Specifically, in claim 1, "rotating" in an optical axis direction is being changed to --moving-- in an optical axis direction, which is believed to be a more appropriate term in view of the previous description of this element. In addition, "penetrate" is being changed to --penetrated-- for clarity and consistency with the remainder of the claims. Thus, the proposed amendments merely clarify the claim language and ensure consistency.

Although this amendment is being submitted after the mailing of the Notice of Allowance and although amendments may not be made as a matter of right after the mailing of the Notice of Allowance, Applicant submits that the entry of the herein contained amendment is appropriate to ensure clarity of the claim language and accordingly, respectfully requests the Examiner to exercise his discretion and to indicate the entry of the amendment contained therein under the provisions of 37 C.F.R. 1.312.

The change introduced by the amendment contained above does not continue the prosecution of the application after the Notice of Allowance. Rather, this amendment merely enhances, strengthens and reinforces the patentability of a claim previously indicated to be allowable by the Examiner. Accordingly, it is submitted that this amendment is proper to enter at the present time.

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The above amendment further does not require a substantial amount of additional work on the part of the Patent and Trademark Office. The Examiner has already considered the reasons for patentability of the present invention and no new issues are raised by the above-amendment. Accordingly, Applicant submits that under the criteria set forth in the M.P.E.P., the present amendment should be considered and its entry should be recommended by the Examiner.

For all of the above reasons, it is respectfully requested that the Examiner enter the present amendment to the claims. Entry of the above amendment is believed to be appropriate and is respectfully requested from the U.S. Patent and Trademark Office.

Accordingly, the Examiner is respectfully requested to exercise his discretion and approve the present amendment for entry under the provisions of 37 C.F.R. § 1.312.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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